

Filed 6/29/20 by Clerk of Supreme Court

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2020 ND 141

Omar Mohamed Kalmio,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

No. 20200011

Appeal from the District Court of Ward County, North Central Judicial District, the Honorable Douglas L. Mattson, Judge.

AFFIRMED.

Per Curiam.

Omar M. Kalmio, self-represented, Bismarck, N.D., petitioner and appellant; submitted on brief.

Kelly A. Dillon, Assistant Attorney General, Bismarck, N.D., for respondent and appellee; submitted on brief.

Kalmio v. State
No. 20200011

Per Curiam.

[¶1] Omar Kalmio appeals from an order summarily dismissing his second application for postconviction relief and an order denying his motion to reconsider. We conclude the district court properly dismissed Kalmio’s application as untimely because it was filed more than two years after final judgment in the criminal case and the district court’s finding that Kalmio had presented no newly discovered evidence is not clearly erroneous. We also conclude the district court did not abuse its discretion in denying Kalmio’s motion requesting reconsideration of the court’s order dismissing his application. We summarily affirm the orders under N.D.R.App.P. 35.1(a)(2) and (4).

[¶2] Jon J. Jensen, C.J.
Jerod E. Tufte
Lisa Fair McEvers
Daniel J. Crothers
Gerald W. VandeWalle